

**IN THE DRAWINGS**

The attached sheet of drawings includes new Fig. 8. The Examiner is requested to add Fig. 8 to the application. No new matter has been added.

Attachment: New Figure 8

**REMARKS**

Claims 16 -23 and 25-38 are pending in the application. By this Amendment, claims 20 and 25 are amended. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

**I. Formal Matters**

**A. The Drawings**

The Office Action objects to the drawings under 37 CFR §1.83(a) because the features of claim 26 are allegedly not shown in the drawings.

By this Amendment, Applicants propose to add a new Figure 8 to the application. Figure 8 clearly illustrates the features recited in claim 26. These features were fully described in the originally filed specification between page 3, line 35 and page 4, line 7, and again between page 6, line 35 and page 7, line 6. Because these features were fully described in the originally filed specification, it is respectfully submitted that the addition of new Figure 8 to the application does not add any new matter.

The specification is also amended at two locations to specifically address new Figure 8. Here again, it is respectfully submitted that the changes to the specification do not add any new matter to the application.

In view of the foregoing, entry of the specification changes and new Figure 8 are respectfully requested. In addition, withdrawal of the objection to the drawings under 37 CFR §1.83(a) is also respectfully requested.

**B. Claim 20**

The Office Action also rejected claim 20 under 35 USC §112, second paragraph, as allegedly indefinite. Claim 20 has been amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

C. Claim 25

By this Amendment, claim 25 is amended for clarity and consistency.

Claim 25 previously depended from claim 23 and recited that the two braces extend out from the sleeve in opposite directions. However, in the previous Amendment, claim 23 was amended to specifically recite that the at least two braces extend out from the same side of the sleeve in the same direction. In view of this previous change to claim 23, and to ensure that claim 25 is consistent, it is necessary to amend claim 25 to depend from claim 16, instead of from claim 23, and to further recite that two braces extend from the sleeve (as previously recited in claim 23).

Because the changes to claims 20 and 25 are made merely for formality reasons, and to maintain consistency, it is respectfully submitted that the claim amendments do not raise any new issues that would require further search and/or consideration. Accordingly, entry of the Amendment after Final Rejection is respectfully requested.

II. Allowable Subject Matter

The Office Action indicates that claims 20 and 26 contain allowable subject matter. The indication of allowable subject matter is acknowledged with appreciation. Because Applicants believe that all claims are allowable, Applicants respectfully decline to rewrite claims 20 and 26 in independent form at the present time.

III. The Claims Are Allowable Over Nam

A. Claims 16-19, 21, 27-31, 34 and 35

The Office Action rejects claims 16-19, 21, 27-31, 34 and 35 under 35 USC §102(b) over Nam et al. The rejection is respectfully traversed.

The Nam reference discloses a food storage container which includes a refrigeration device. The refrigeration device includes a plurality of coolant pipes

20 which wrap around the exterior of an inner liner 14. Nam discloses that a temperature sensor 26 can also be attached to the exterior side of the liner 14.

Nam discloses multiple different embodiments of a fixing bracket 30 which can be used to hold a temperature sensor 26 against the exterior side of the inner liner 14. In each of the embodiments, opposite ends of the bracket 30 engage with two separate, spaced apart portions of the coolant line 20. The fixing bracket 30 includes a rectangular shaped sensor housing portion 32 which is intended to surround three sides of a temperature sensor 26 having a square or rectangular cross-sectional shape. The remaining fourth side of the temperature sensor is engaged with the flat outer surface of the inner liner 14.

An outer wall 10 of the refrigeration device is spaced apart from the upper surface of the fixing bracket 30 and the associated temperature sensor and coolant lines. The space between the inner surface of the outer wall 10 and the upper surfaces of the fixing bracket is filled with an expandable foam insulating material 12.

Independent claim 16 is directed to a heat exchanger for a refrigeration device. Claim 16 recites a base plate, a tubular pipe for a coolant attached to the base plate, and a sleeve arranged on the base plate for receiving a temperature sensor. Claim 16 also recites that the sleeve is fixed on a surface of the base plate by at least one brace which is connected to the sleeve and which engages on the tubular coolant pipe.

Independent claim 30 is directed to a refrigeration device. Claim 30 recites features highly similar to those recited in claim 16.

It is respectfully submitted that the Nam reference lacks a sleeve as recited in independent claims 16 and 30. These claims recite that the sleeve is arranged on the base plate for receiving a temperature sensor and that the sleeve is fixed on a surface of the base plate by at least one brace. As explained above, in the Nam reference there is no sleeve which is fixed on a surface of said base plate. Instead, Nam discloses that a three-sided rectangular shaped sensor

housing portion of the fixing bracket surrounds only three sides of a temperature sensor. The Nam device relies upon the inner liner of the refrigerator to hold the fourth side of the temperature sensor. Thus, Nam fails to disclose a sleeve for receiving a temperature sensor as recited in claims 16 and 30. Because the Nam reference lacks the above described features of independent claims 16 and 30, it is respectfully submitted that these claims are allowable.

Claims 17-19, 21 and 27-29 depend from claim 16. Claims 31, 34 and 35 depend from claim 30. It is respectfully submitted that the dependent claims are allowable over Nam for all the reasons discussed above in connection with claims 16 and 30, and for the additional features which they recite.

For example, claim 28 depends from claim 16 and recites that the tubular pipe and the sleeve are enclosed between the base plate and a film of deformable material. Claim 35 depends from claim 30 and recites similar features. Claim 29 depends from claim 28 and further recites that the film is formed from at least one of bitumen, a plastic material or aluminum, or a mixture thereof.

As explained above, the Nam's sensor fixing bracket 30 is surrounded by expandable insulating foam 12 located between the outer wall 10 and the inner liner 14 of Nam's enclosure. The Office Action asserts that the expandable insulating foam corresponds to the "film of deformable material" recited in claims 28, 29 and 35. Applicants respectfully disagree.

The expandable foam material 14 is injected into the space between the outer wall 10 and the inner liner 14 during manufacture of the Nam device. This expandable foam is clearly not a "film" as recited in claims 28, 29 and 30. In addition, the expandable foam is not a deformable material, as also recited in claims 28, 29 and 30. Instead, the expandable foam 12 is a thick, rigid insulating material. It is respectfully submitted that claims 28, 29 and 30 are also allowable for these additional reasons.

B. Claims 23, 33, 37 and 38

The Office Action rejects claims 23, 33, 37 and 38 under 35 USC §103(a) over Nam et al. The rejection is respectfully traversed.

Claims 23 and 37 depend from claim 16, and claims 33 and 38 depend from claim 30. As explained above, Nam fails to disclose or suggest all the features of claims 16 and 30. It is respectfully submitted that claims 23, 33, 37 and 38 are allowable for at least the reasons discussed above in connection with claims 16 and 30.

Moreover, dependent claims 23, 33, 37 and 38 recite additional features which are also not disclosed or suggested by Nam. For instance, Claims 23 and 33 further recite that the heat exchanger includes at least two braces connected to the sleeve, wherein the at least two braces extend out from the same side of the sleeve in the same direction. An embodiment as recited in claims 23 and 33 is illustrated in Fig. 3 of the present application. As shown therein, two braces 8 extend out from the same side of the sleeve 7 in the same direction.

The Nam reference lacks two braces which extend out from the same side of a sleeve in the same direction. The Office Action asserts that it would have been obvious to modify the Nam device so that it includes two braces that extend out from the same side of the sleeve. However, in addition to not disclosing such a structure, Nam does not even hint that such a modification would be possible or desirable. It is respectfully submitted that it requires the impermissible use of hindsight, in view of Applicants' invention, to find any motivation to modify the Nam structure such that it satisfies claims 23 and 33. It is respectfully submitted that claims 23 and 33 are allowable for these additional reasons.

Claim 37 depends from claims 16 and 23, and claim 38 depends from claims 30 and 33. It is respectfully submitted that claims 37 and 38 are allowable for all the reasons given above in connection with those claims.

In addition, claims 37 and 38 further recite that the sleeve and the at least two braces are part of a bracket, and that an aperture is formed in the bracket

between the at least two braces. An embodiment as recited in claims 37 and 38 is illustrated in Fig. 3 of the application. As shown therein, an aperture is formed in between the two braces 8. This allows a portion of an overlying deformable film that is located in the aperture to directly contact an adhesive layer formed on the base plate in that location. This helps to better attach the overlying film of deformable material to the underlying base.

Nam's bracket lacks any features that could be considered similar to what is recited in claims 37 and 38. Applicants note that in rejecting these claims, the Examiner was not even able to come up with a reason why one of skill in the art would have modified the Nam structure to arrive at a structure as recited in claims 37 and 38. It is respectfully submitted that there is no such motivation. Accordingly, it is respectfully submitted that claims 37 and 38 are allowable over Nam for these additional reasons.

Finally, Applicants note that the Office Action did not reject claim 36 in view of any prior art references. Applicants assume that the Examiner intended to reject claim 36 along with claims 23, 33, 37 and 38 as obvious over Nam.

Claim 36 depends from claims 16 and 23 and is allowable for all the reasons given above for those two claims. In addition, claim 36 recites that the two braces engage the same section of a tubular coolant pipe.

As explained above, the Nam fixing bracket includes two extending flanges 36a/36b which extend away from the sensor housing 32 in opposite directions. As a result, the two extending flanges of the Nam bracket engage different portions of a tubular coolant pipe which are spaced apart from one another.

For reasons similar to those discussed above in connection with claims 23 and 33, it is respectfully submitted that one of skill in the art would not have had any motivation to modify the Nam bracket such that it satisfies claim 36. Further, it is respectfully submitted that it requires the impermissible use of hindsight, in view of Applicants' invention, to find a motivation for modifying Nam to arrive at a

structure as recited in claim 36. For all these reasons, it is respectfully submitted that claim 36 is allowable.

In view of all of the foregoing, withdrawal of the rejections over Nam is respectfully requested.

**IV. Conclusion**

In view of the above, entry of the present Amendment and allowance of the application are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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